

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LARRY DEAN PETERSON,  
Petitioner,

v.

KEN CLARK,  
Respondent.<sup>1</sup>

Case No. [07-cv-04069-CW](#) (PR)

ORDER TO SHOW CAUSE

This habeas action was stayed and administratively closed on March 20, 2009 so that Petitioner could exhaust his claims in state court. On April 16, 2015, after Petitioner informed the Court that his claims had been exhausted, the Court lifted the stay, reopened the case and granted Petitioner leave to file an amended petition. On May 11, 2015, Petitioner filed his amended petition.

Good cause appearing, the Court hereby issues the following orders:

1. The Clerk of the Court shall serve a copy of this Order and the amended petition and all attachments thereto upon Respondent and Respondent's attorney, the Attorney General of the

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<sup>1</sup>In accordance with Habeas Rule 2(a) and Rule 25(d)(1) of the Federal Rules of Civil Procedure, the Clerk of the Court is directed to substitute Warden Stu Sherman as Respondent because he is Petitioner's current custodian.

1 State of California. The Clerk also shall serve a copy of this  
2 Order on Petitioner at his current address.

3 2. No later than sixty days from the date of this Order,  
4 Respondent shall file with this Court and serve upon Petitioner  
5 an Answer conforming in all respects to Rule 5 of the Rules  
6 Governing Section 2254 Cases, showing cause why a writ of habeas  
7 corpus should not be issued. Respondent shall file with the  
8 Answer all portions of the state record that have been  
9 transcribed previously and are relevant to a determination of the  
10 issues presented by the petition.

11 If Petitioner wishes to respond to the Answer, he shall do  
12 so by filing a Traverse with the Court and serving it on  
13 Respondent within thirty days of his receipt of the Answer. If  
14 he does not do so, the petition will be deemed submitted and  
15 ready for decision on the date the Traverse is due.

16 3. No later than sixty days from the date of this Order,  
17 Respondent may file with this Court and serve upon Petitioner a  
18 motion to dismiss on procedural grounds in lieu of an Answer, as  
19 set forth in the Advisory Committee Notes to Rule 4 of the Rules  
20 Governing Section 2254 Cases.

21 If Respondent files such a motion, Petitioner shall file  
22 with the Court and serve on Respondent an opposition or statement  
23 of non-opposition to the motion within thirty days of receipt of  
24 the motion, and Respondent shall file with the Court and serve on  
25 Petitioner a reply within fourteen days of receipt of an  
26 opposition.

27 4. It is Petitioner's responsibility to prosecute this  
28 case. Petitioner must keep the Court informed of any change of

1 address by filing a separate paper with the clerk headed "Notice  
2 of Change of Address," and must comply with the Court's orders in  
3 a timely fashion. He also must serve on Respondent's counsel all  
4 communications with the Court by mailing a true copy of the  
5 document to Respondent's counsel. Failure to do so may result in  
6 the dismissal of this action, pursuant to Federal Rule of Civil  
7 Procedure 41(b), for failure to prosecute.

8 5. Extensions of time are not favored, though reasonable  
9 extensions will be granted. Any motion for an extension of time  
10 must be filed no later than ten days prior to the deadline sought  
11 to be extended.

12 6. The Clerk of the Court shall substitute Warden Stu  
13 Sherman as Respondent.

14 IT IS SO ORDERED.

15 Dated: 05/14/2015



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17 CLAUDIA WILKEN  
18 United States District Judge  
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